

AMENDED IN ASSEMBLY APRIL 16, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2321**

**Introduced by Assembly Member Hertzberg**

February 21, 2002

---

---

~~An act to amend Section 900 of the Government Code, relating to public entity liability. An act to amend Sections 900.2, 912.4, 912.8, 913, 915, 935.6, 940.2, 946.6, 948, 955.4, 965, 965.2, 965.6, and 965.65 of, and to add Sections 900.3, 912.7, 935.8, 940.3, 948.1, and 955.9 to, the Government Code, relating to public entity liability.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2321, as amended, Hertzberg. Tort Claims Act: *judiciary*.

The existing Tort Claims Act provides for the liability and immunity of a governmental entity for its acts or omissions that cause harm to persons. ~~Existing law contains definitions for purposes of the interpretation of its provisions.~~

~~This bill would make a technical, nonsubstantive change to that existing law. Existing law provides that any claim for money or damages against the state is required to be presented to the State Board of Control within a specified period of time. Other provisions of existing law have renamed the State Board of Control, the Victim Compensation and Government Claims Board.~~

*This bill would require, instead, in the case of a claim against a judicial branch entity, as defined, or a judge of one of those entities, that the Judicial Council act on the claim in accordance with the procedure that the Judicial Council would provide by rule of court. The bill would specify certain means of presentation and service of a claim against a*

*judicial branch entity or one of its judges. The bill would authorize the Judicial Council to settle, adjust, or compromise any pending action arising out of the activities of a judicial branch entity or judge thereof, and to authorize the Controller to draw a warrant for payment of any final judgment or settlement based on claims arising out of the activities of a judicial branch entity.*

*This bill would also amend the references to the State Board of Control in the Tort Claims Act to instead refer to the Victim Compensation and Government Claims Board.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. Section 900 of the Government Code is~~  
2 *SECTION 1. Section 900.2 of the Government Code is*  
3 *amended to read:*  
4 900.2. “Board” means:  
5 (a) In the case of a local public entity, the governing body of the  
6 local public entity.  
7 (b) In the case of the ~~State~~, *state, except as provided by*  
8 *subdivision (c), the State Board of Control Victim Compensation*  
9 *and Government Claims Board.*  
10 (c) *In the case of a judicial branch entity or judge of one of*  
11 *those entities, the Judicial Council.*  
12 SEC. 2. *Section 900.3 is added to the Government Code, to*  
13 *read:*  
14 900.3. *A “judicial branch entity” is a public entity and means*  
15 *any superior court, Court of Appeal, the Supreme Court, the*  
16 *Judicial Council, or the Administrative Office of the Courts.*  
17 SEC. 3. *Section 912.4 of the Government Code is amended to*  
18 *read:*  
19 912.4. (a) The board shall act on a claim in the manner  
20 provided in Section 912.6, 912.7, or 912.8 within 45 days after the  
21 claim has been presented. If a claim is amended, the board shall act  
22 on the amended claim within 45 days after the amended claim is  
23 presented.  
24 (b) The claimant and the board may extend the period within  
25 which the board is required to act on the claim by written  
26 agreement made *either:*

(1) Before the expiration of ~~such the period; or~~.

(2) After the expiration of ~~such the period~~ if an action based on the claim has not been commenced and is not yet barred by the period of limitations provided in Section 945.6.

(c) If the board fails or refuses to act on a claim within the time prescribed by this section, the claim shall be deemed to have been rejected by the board on the last day of the period within which the board was required to act upon the claim. If the period within which the board is required to act is extended by agreement pursuant to this section, ~~whether made before or after the expiration of such period~~, the last day of the period within which the board is required to act shall be the last day of the period specified in ~~such the~~ agreement.

SEC. 4. Section 912.7 is added to the Government Code, to read:

912.7. The Judicial Council shall act on a claim against a judicial branch entity or judge of one of those entities in accordance with the procedure that the Judicial Council provides by rule of court. The Judicial Council may authorize any committee of the Judicial Council or employee of the Administrative Office of the Courts to perform the functions of the Judicial Council under this part.

SEC. 5. Section 912.8 of the Government Code is amended to read:

912.8. ~~In~~ (a) Except as provided in Section 912.7, in the case of claims against the state, the board shall act on claims in accordance with that procedure as the board, by rule, may prescribe. It may hear evidence for and against the claims and, with the approval of the Governor, report to the Legislature those facts and recommendations concerning the claims as it deems proper. In making recommendations, the board may state and use any official or personal knowledge which any member may have ~~touching~~ regarding any claim. The board may authorize any employee of the state to perform the functions of the board under this part as are prescribed by the board.

SEC. 6. Section 913 of the Government Code is amended to read:

913. (a) Written notice of the action taken under Section 912.6, 912.7, or 912.8 or the inaction which is deemed rejection under Section 912.4 shall be given in the manner prescribed by

1 Section 915.4. ~~Such~~ The notice may be in substantially the  
2 following form:

3 “Notice is hereby given that the claim which you presented to  
4 the (insert title of board or officer) on (indicate date) was (indicate  
5 whether rejected, allowed, allowed in the amount of \$\_\_\_\_ and  
6 rejected as to the balance, rejected by operation of law, or other  
7 appropriate language, whichever is applicable) on (indicate date  
8 of action or rejection by operation of law).”

9 (b) If the claim is rejected in whole or in part, the notice  
10 required by subdivision (a) shall include a warning in substantially  
11 the following form:

12  
13 “WARNING

14  
15 “Subject to certain exceptions, you have only six (6) months  
16 from the date this notice was personally delivered or deposited in  
17 the mail to file a court action on this claim. See Government Code  
18 Section 945.6.

19 “You may seek the advice of an attorney of your choice in  
20 connection with this matter. If you desire to consult an attorney,  
21 you should do so immediately.”

22  
23 *SEC. 7. Section 915 of the Government Code is amended to*  
24 *read:*

25 915. (a) A claim, any amendment thereto, or an application  
26 to the public entity for leave to present a late claim shall be  
27 presented to a local public entity by *either of the following means*:

28 (1) Delivering it to the clerk, secretary or auditor thereof; ~~or~~.  
29 (2) Mailing it to ~~such~~ the clerk, secretary ~~or~~, auditor, or to the  
30 governing body at its principal office.

31 (b) ~~A~~ *Except as provided in subdivision (c), a claim, any*  
32 *amendment thereto, or an application for leave to file a late claim*  
33 *shall be presented to the state by either of the following means:*

34 (1) Delivering it to an office of the ~~State Board of Control; or~~  
35 *Victim Compensation and Government Claims Board.*

36 (2) Mailing it to the ~~State Board of Control~~ *Victim*  
37 *Compensation and Government Claims Board* at its principal  
38 office.

(c) A claim, any amendment thereto, or an application for leave to file a late claim shall be presented to a judicial branch entity in accordance with the following means:

(1) Delivering or mailing it to the court executive officer, if against a superior court or a judge of that court.

(2) Delivering or mailing it to the clerk/administrator of the Court of Appeal, if against a Court of Appeal or a judge of that court.

(3) Delivering or mailing it to the clerk of the Supreme Court, if against the Supreme Court or a judge of that court.

(4) Delivering or mailing it to the Secretariat of the Judicial Council, if against the Judicial Council or the Administrative Office of the Courts.

(d) A claim, amendment or application shall be deemed to have been presented in compliance with this section even though it is not delivered or mailed as provided in this section if it is actually received by the clerk, secretary, auditor or board of the local public entity, ~~or is actually received at an office of the State Board of Control~~ *Victim Compensation and Government Claims Board, or, if against a judicial branch entity or judge, it is actually received by the court executive officer, court clerk/administrator, court clerk, or Secretariat of the judicial branch entity, within the time prescribed for presentation thereof.*

~~(d)~~

(e) A claim, amendment or application shall be deemed to have been presented in compliance with this section to a public agency as defined in Section 53050 if it is delivered or mailed within the time prescribed for presentation thereof in conformity with the information contained in the statement in the Roster of Public Agencies pertaining to that public agency which is on file at the time the claim, amendment or application is delivered or mailed. As used in this subdivision, “statement in the Roster of Public Agencies” means the statement or amended statement in the Roster of Public Agencies in the office of the Secretary of State or in the office of the county clerk of any county in which such statement or amended statement is on file.

SEC. 8. Section 935.6 of the Government Code is amended to read:

935.6. (a) The ~~State Board of Control~~ *Victim Compensation and Government Claims Board* may authorize any state agency to

1 settle and pay claims filed pursuant to subdivision (c) of Section  
2 905.2 ~~where~~ if the settlement does not exceed one thousand dollars  
3 (\$1,000) or that lesser amount as the board may determine, or to  
4 reject the claim and provide the notice required by Section 913.  
5 The board may require state agencies that it so authorizes to report  
6 annually to the board concerning the claims resolved pursuant to  
7 this section.

8 (b) As used in this section, “state agency” means any office,  
9 officer, department, division, bureau, board, commission, or  
10 agency of the state, claims against which are paid by warrants  
11 drawn by the Controller, *but does not mean any judicial branch*  
12 *entity, as defined in Section 900.3, or any judge thereof.*

13 SEC. 9. Section 935.8 is added to the Government Code, to  
14 read:

15 935.8. *The Judicial Council may adjust and pay any claim*  
16 *arising out of the activities of a judicial branch entity or judge*  
17 *thereof. The Judicial Council may adopt rules of court authorizing*  
18 *any committee of the Judicial Council or employee of the*  
19 *Administrative Office of the Courts to perform the functions of the*  
20 *Judicial Council under this section.*

21 SEC. 10. Section 940.2 of the Government Code is amended  
22 to read:

23 940.2. “Board” means:

24 (a) In the case of a local public entity, the governing body of the  
25 local public entity.

26 (b) In the case of the ~~State~~, *state, except as provided by*  
27 *subdivision (c), the ~~State Board of Control~~ Victim Compensation*  
28 *and Government Claims Board.*

29 (c) *In the case of a judicial branch entity or a judge thereof, the*  
30 *Judicial Council.*

31 SEC. 11. Section 940.3 is added to the Government Code, to  
32 read:

33 940.3. A “judicial branch entity” is a public entity and means  
34 any superior court, Court of Appeal, the Supreme Court, the  
35 Judicial Council, or the Administrative Office of the Courts.

36 SEC. 12. Section 946.6 of the Government Code is amended  
37 to read:

38 946.6. (a) ~~Where~~ *If* an application for leave to present a claim  
39 is denied or deemed to be denied pursuant to Section 911.6, a  
40 petition may be made to the court for an order relieving the

petitioner from Section 945.4. The proper court for filing the petition is a superior court that would be a proper court for the trial of an action on the cause of action to which the claim relates. If the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court. ~~Where~~ If an action on the cause of action to which the claim relates would be a limited civil case, a proceeding pursuant to this section is a limited civil case.

(b) The petition shall show each of the following:

(1) That application was made to the board under Section 911.4 and was denied or deemed denied.

(2) The reason for failure to present the claim within the time limit specified in Section 911.2.

(3) The information required by Section 910.

The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

(c) The court shall relieve the petitioner from *the requirements of* Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section 911.4 and was denied or deemed denied pursuant to Section 911.6 and that one or more of the following is applicable:

(1) The failure to present the claim was through mistake, inadvertence, surprise, or excusable neglect unless the public entity establishes that it would be prejudiced in the defense of the claim if the court relieves the petitioner from *the requirements of* Section 945.4.

(2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim.

(3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of that disability failed to present a claim during that time.

(4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(d) A copy of the petition and a written notice of the time and place of hearing shall be served before the hearing as prescribed



1 by subdivision (b) of Section 1005 of the Code of Civil Procedure  
2 on (1) the clerk or secretary or board of the local public entity, if  
3 the respondent is a local public entity, or (2) the Attorney General,  
4 if the respondent is the state. ~~However, if~~ *If* the petition involves  
5 a claim arising out of alleged actions or inactions of the  
6 Department of Transportation, service of the petition and notice of  
7 the hearing shall be made on the Attorney General or the Director  
8 of Transportation. Service on the Attorney General may be  
9 accomplished at any of the Attorney General's offices in Los  
10 Angeles, Sacramento, San Diego, or San Francisco. Service on the  
11 Director of Transportation may be accomplished only at the  
12 Department of Transportation's headquarters office in  
13 Sacramento. *If the petition involves a claim arising out of alleged*  
14 *actions or inactions of a judicial branch entity, service of the*  
15 *petition and notice of the hearing shall be made in accordance with*  
16 *the following:*

17 (1) *If the petition involves a claim arising out of alleged actions*  
18 *or inactions of a superior court or a judge thereof, service shall be*  
19 *made on the court executive officer.*

20 (2) *If the petition involves a claim arising out of alleged actions*  
21 *or inactions of a Court of Appeal or a judge thereof, service shall*  
22 *be made on the clerk/administrator of the Court of Appeal.*

23 (3) *If the petition involves a claim arising out of alleged actions*  
24 *or inactions of the Supreme Court or a judge thereof, service shall*  
25 *be made on the Clerk of the Supreme Court.*

26 (4) *If the petition involves a claim arising out of alleged actions*  
27 *or inactions of the Judicial Council or the Administrative Office*  
28 *of the Courts, service shall be made on the Secretariat of the*  
29 *Judicial Council.*

30 (e) The court shall make an independent determination upon  
31 the petition. The determination shall be made upon the basis of the  
32 petition, any affidavits in support of or in opposition to the  
33 petition, and any additional evidence received at the hearing on the  
34 petition.

35 (f) If the court makes an order relieving the petitioner from  
36 Section 945.4, suit on the cause of action to which the claim relates  
37 shall be filed with the court within 30 days thereafter.

38 SEC. 13. *Section 948 of the Government Code is amended to*  
39 *read:*



1 948. (a) The head of the state agency concerned, upon  
2 recommendation of the Attorney General or other attorney  
3 authorized to represent the state, may settle, adjust, or compromise  
4 any pending action where the Director of Finance certifies that a  
5 sufficient appropriation for the payment of claims exists. Claims  
6 arising out of the activities of the State Department of  
7 Transportation may be paid if either the Director of Transportation  
8 or the Director of Finance certifies that a sufficient appropriation  
9 for the payment of the claim exists.

10 (b) ~~Where~~ *If* no funds or insufficient funds for ~~such~~ *the*  
11 payment exist, the head of the state agency concerned, upon  
12 recommendation of the Attorney General or other attorney  
13 authorized to represent the state, may settle, adjust or compromise  
14 any pending action with the approval of the Department of  
15 Finance.

16 (c) As used in this section, “state agency” means any office,  
17 officer, department, division, bureau, board, commission or  
18 agency of the state claims against which are paid by warrants  
19 drawn by the Controller, *but does not mean any “judicial branch*  
20 *entity” as defined in Section 940.3 or any judge thereof.*

21 *SEC. 14. Section 948.1 is added to the Government Code, to*  
22 *read:*

23 *948.1. The Judicial Council may settle, adjust, or compromise*  
24 *any pending action arising out of the activities of a judicial branch*  
25 *entity or judge thereof. The Judicial Council may adopt rules of*  
26 *court authorizing any committee of the Judicial Council or*  
27 *employee of the Administrative Office of the Courts to perform the*  
28 *functions of the Judicial Council under this section.*

29 *SEC. 15. Section 955.4 of the Government Code is amended*  
30 *to read:*

31 955.4. Except as provided in Sections 811.9, 955.6~~—and~~,  
32 955.8, *and* 955.9:

33 (a) Service of summons in all actions on claims against the  
34 State shall be made on the Attorney General.

35 (b) The Attorney General shall defend all actions on claims  
36 against the State.

37 *SEC. 16. Section 955.9 is added to the Government Code, to*  
38 *read:*

39 955.9. *In actions on claims against a judicial branch entity,*  
40 *service of summons shall be made on:*

1 (a) *The court executive officer, in actions on claims against a*  
2 *superior court or a judge thereof.*

3 (b) *The clerk/administrator of the Court of Appeal, in actions*  
4 *on claims against a Court of Appeal or a judge thereof.*

5 (c) *The Clerk of the Supreme Court, in actions on claims*  
6 *against the Supreme Court or a judge thereof.*

7 (d) *The Secretariat of the Judicial Council, in actions on claims*  
8 *against the Judicial Council or the Administrative Office of the*  
9 *Courts.*

10 SEC. 17. *Section 965 of the Government Code is amended to*  
11 *read:*

12 965. (a) Upon the allowance by the ~~State Board of Control~~  
13 *Victim Compensation and Government Claims Board* of all or part  
14 of a claim for which the Director of Finance certifies that a  
15 sufficient appropriation for the payment of the claim exists, and  
16 the execution and presentation of documents the board may  
17 require which discharge the state of all liability under the claim,  
18 the board shall designate the fund from which the claim is to be  
19 paid and the state agency concerned shall pay the claim from that  
20 fund. ~~Where~~ *If there is* no sufficient appropriation for the payment  
21 is available, the board shall report to the Legislature in accordance  
22 with Section 912.8. Claims arising out of the activities of the State  
23 Department of Transportation may be paid if either the Director of  
24 Transportation or the Director of Finance certifies that a sufficient  
25 appropriation for the payment of the claim exists.

26 (b) Notwithstanding subdivision (a), ~~where if there is~~ no  
27 sufficient appropriation ~~exists~~ for the payment of claims,  
28 settlements, or judgments against the state arising from an action  
29 in which the state is represented by the Attorney General, the  
30 Attorney General shall report the claims, settlements, and  
31 judgments to the chairperson of either the Senate Committee on  
32 Appropriations or the Assembly Committee on ~~Ways and Means~~  
33 *the Budget*, who shall cause to be introduced legislation  
34 appropriating funds for the payment of the claims, settlements, or  
35 judgments.

36 (c) *Notwithstanding subdivision (a) or (b), claims, settlements,*  
37 *or judgments arising out of the activities of a judicial branch entity,*  
38 *as defined by Sections 900.3 and 940.3, or a judge thereof may be*  
39 *paid if the Judicial Council authorizes payment and the*  
40 *Administrative Director of the Courts certifies that sufficient funds*

1 for that payment exist from funds allocated to settlement,  
2 adjustment, and compromise of actions and claims. If sufficient  
3 funds for payment of settlements or judgments do not exist, the  
4 Administrative Director of the Courts shall report the settlements  
5 and judgments to the chairperson of either the Senate Committee  
6 on Appropriations or the Assembly Committee on the Budget, who  
7 shall cause to be introduced legislation appropriating funds for the  
8 payment of the settlements or judgments. If sufficient funds for  
9 payment of claims do not exist, the Administrative Director of the  
10 Courts shall report the claims to the Victim Compensation and  
11 Government Claims Board, which shall have 30 days to object to  
12 payment. The Administrative Director of the Courts shall confer  
13 with the chairperson of the Victim Compensation and Government  
14 Claims Board regarding any objection received during the 30-day  
15 period. If the Victim Compensation and Government Claims Board  
16 withdraws the objection, or if no objection was received, the  
17 Administrative Director of the Courts shall report the claims to the  
18 chairperson of either the Senate Committee on Appropriations or  
19 the Assembly Committee on the Budget, who shall cause to be  
20 introduced legislation appropriating funds for the payment of the  
21 claims. The Judicial Council may authorize any committee of the  
22 Judicial Council or any employee of the Administrative Office of  
23 the Courts to perform the functions of the Judicial Council under  
24 this section. The Administrative Director of the Courts may  
25 designate an executive staff member of the Administrative Office  
26 of the Courts to perform the functions of the Administrative  
27 Director of the Courts under this section.

28 SEC. 18. Section 965.2 of the Government Code is amended  
29 to read:

30 965.2. (a) The Controller shall draw a warrant for the  
31 payment of any final judgment or settlement against the state  
32 whenever the Director of Finance certifies that a sufficient  
33 appropriation for the payment of ~~such~~ the judgment or settlement  
34 exists. Claims upon such judgments and settlements are exempt  
35 from Section 925.6. Claims arising out of the activities of the State  
36 Department of Transportation may be paid if either the Director of  
37 Transportation or the Director of Finance certifies that a sufficient  
38 appropriation for the payment of the claim exists.

39 (b) Notwithstanding subdivision (a), the Controller shall draw  
40 a warrant for the payment of any final judgment or settlement

1 *based on claims arising out of the activities of a judicial branch*  
2 *entity, as defined by Sections 900.3 and 940.3, or a judge thereof,*  
3 *whenever the Administrative Director of the Courts certifies that*  
4 *sufficient funds for that payment exist from funds allocated to*  
5 *settlement, adjustment, and compromise of actions and claims.*  
6 *Claims upon those judgments and settlements are exempt from*  
7 *Section 925.6. Claims arising out of the activities of a judicial*  
8 *branch entity, as defined by Sections 900.3 and 940.3, or a judge*  
9 *thereof, may be paid if the Administrative Director of the Courts*  
10 *certifies that sufficient funds for the payment exist from funds*  
11 *allocated to settlement, adjustment, and compromise of actions*  
12 *and claims. The Administrative Director of the Courts may*  
13 *designate an executive staff member of the Administrative Office*  
14 *of the Courts to perform the certification of funds pursuant to this*  
15 *section.*

16 *SEC. 19. Section 965.6 of the Government Code is amended*  
17 *to read:*

18 *965.6. Notwithstanding any other provision of law, neither*  
19 *the state nor a judicial branch entity, nor any of its officers or*  
20 *employees thereof, can may be required by any court in any*  
21 *proceeding to pay or offset a tort liability claim, settlement, or*  
22 *judgment for which the state or judicial branch entity is liable,*  
23 *unless one of the following conditions exists:*

24 *(a) The Legislature has authorized the payment or offset of the*  
25 *specific tort liability claim, settlement, or judgment.*

26 *(b) The Director of Finance, or the Director of Transportation*  
27 *for claims arising out of the activities of the Department of*  
28 *Transportation, has certified that a sufficient appropriation for the*  
29 *payment of the claim, settlement, or judgment or to provide for*  
30 *such that offset exists. This subdivision does not apply to claims*  
31 *arising out of the activities of a judicial branch entity or a judge*  
32 *thereof.*

33 *(c) In the case of claims arising out of the activities of a judicial*  
34 *branch entity, as defined in Sections 900.3 and 940.3, or a judge*  
35 *thereof, the Administrative Director of the Courts has certified that*  
36 *sufficient funds for payment of the claim, settlement, or judgment,*  
37 *or to provide for that offset, exist from funds allocated to*  
38 *settlement, adjustment, and compromise of pending actions and*  
39 *claims. The Administrative Director of the Courts may designate*  
40 *an executive staff member of the Administrative Office of the*

1 *Courts to perform the certification of funds pursuant to this*  
2 *section.*

3 *SEC. 20. Section 965.65 of the Government Code is amended*  
4 *to read:*

5 965.65. (a) ~~When~~ *If* a request is made for certification of  
6 availability of funds, approval of a settlement, or inclusion of a  
7 claim in a claims bill pursuant to Section 948, 965, or 965.2 for a  
8 claim in excess of thirty-five thousand dollars (\$35,000) against  
9 the state which arose from the activities of any state agency or  
10 employee, the agency shall report to the Director of Finance  
11 concerning any action it has taken or proposes to take to prevent  
12 the future occurrence of circumstances similar to those upon which  
13 the claim was based, including any imposition of disciplinary  
14 action.

15 (b) ~~On or before April 1, 1993, the Legislative Analyst shall~~  
16 ~~submit a report to the chairpersons of the committees which~~  
17 ~~consider appropriations and to the Chairperson of the Joint~~  
18 ~~Legislative Budget Committee, describing the actions taken by~~  
19 ~~each agency described in subdivision (a) to prevent the future~~  
20 ~~occurrence of circumstances described in subdivision (a) with~~  
21 ~~respect to all such claims approved for payment by the Department~~  
22 ~~of Finance during the preceding 12 months. This section does not~~  
23 ~~apply to a judicial branch entity, as defined in Sections 900.3 and~~  
24 ~~940.3, or claims arising out of the activities of a judicial branch~~  
25 ~~entity or a judge or employee thereof.~~

26 ~~amended to read:~~

27 900. ~~Unless the provision or context otherwise requires, the~~  
28 ~~definitions in this article govern the construction of this part.~~